

MINUTES OF THE GILBERT TOWN COUNCIL IN REGULAR MEETING OF THURSDAY, NOVEMBER 2, 2017 AT 6:30 PM, MUNICIPAL CENTER, COUNCIL CHAMBERS, 50 E CIVIC CENTER DRIVE, GILBERT, ARIZONA

COUNCIL PRESENT: Mayor Jenn Daniels, Councilmembers Scott Anderson, Eddie Cook, Brigette Peterson, Jordan Ray and Jared Taylor

COUNCIL ABSENT: Vice Mayor Victor Peterson

STAFF PRESENT: Town Manager Patrick Banger, Town Clerk Lisa Maxwell, Town Attorney Christopher Payne, and Development Services Director Kyle Mieras

AGENDA ITEM

CALL TO ORDER

Mayor Jenn Daniels called the meeting to order at 6:30 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Councilmember Jared Taylor introduced the scouts in attendance who led the Pledge of Allegiance and introduced themselves. Councilmember Eddie Cook gave the invocation.

ROLL CALL

Town Clerk Lisa Maxwell called roll and declared a quorum present.

PRESENTATIONS; PROCLAMATIONS

1. **PROCLAMATION** - Proclamation declaring the week of November 6, 2017 as Veterans Week in Gilbert.

Councilmember Scott Anderson read a proclamation declaring the week of November 6, 2017 as Veterans Week in Gilbert, and presented the proclamation to Jim Lykins and Phil Bobadilla.

2. **RECOGNITION** - Recognition of Dr. Greg Allen for organizing the Gilbert Marathon and for his work with Shun the Sun.

Councilmember Jared Taylor recognized Dr. Greg Allen for organizing the Gilbert Marathon and for his work with Shun the Sun. Dr. Allen introduced his family and shared information about his foundation that raises awareness of the dangers of skin cancer.

3. RECOGNITION - Recognition of Gilbert Promotional Corporation for organizing Gilbert Days.

Councilmember Eddie Cook recognized Gilbert Promotional Corporation for organizing Gilbert Days. Members of the Gilbert Promotional Corporation were present and introduced themselves.

COMMUNICATIONS FROM CITIZENS

Carol Crowe, Gilbert resident, said her neighborhood has undergone significant change with the recent construction of the American Leadership Academy. She listed a number of instances in the area including noise, firecrackers, and helicopters flying over the neighborhood during football games. She asked for information regarding how permits are granted and how residents would be notified of events. Mayor Jenn Daniels asked for a Deputy Town Manager to meet with Ms. Crow in the lobby to discuss her concerns.

Joe Guesic, Gilbert resident, wanted to bring to the Council’s attention the importance of having good employees who are helpful to residents. He gave the example of Water Meter Reader Wes Domon who helped him with a water meter issue. Mr. Guesic shared the story of Wes Domon, who assisted a resident who was involved in a car accident. Mr. Guesic said he appreciated what Town employees do each day.

CONSENT CALENDAR

A MOTION was made by Councilmember Brigette Peterson, seconded by Councilmember Jordan Ray, to approve Consent Items 4, 5, 6, 7, 8, 10, 11, 12, and 13; remove Item 9 from the Consent Calendar; and add Items 20 and 21 to the Consent Calendar; appointing Seth Banda and Daniels Cifuentes to the Planning Commission as alternate members with terms ending November 14, 2018; and appointing Kelly Pfof to the Town of Gilbert, AZ Self-Insured Trust Fund for Health Insurance Benefits with a term ending September 30, 2021. *Motion carried 6-0.*

4. INTERGOVERNMENTAL AGREEMENT – consider approval of Intergovernmental Agreement No. 2018-3002-0108 with the Town of Florence to provide support for the repair and maintenance of personal protective equipment and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar vote.

5. REIMBURSEMENT AGREEMENT – consider adoption of a Resolution approving a Reimbursement Agreement with BGV - Gilbert & Vaughn, LLC for roadway improvements on Vaughn Avenue and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar vote. *Resolution No. 3933 was adopted.*

6. CONTRACT – consider approval of:

a) Agreement for Services Contract No. 2018-4101-0043 with Wildan Financial Services in an amount not to exceed \$56,795 for utility rate analysis and development and authorize the Mayor to execute the required documents;

b) a Contingency Transfer from the Water Fund in the amount of \$18,932;

c) a Contingency Transfer from the Wastewater Water Fund in the amount of \$18,932;

d) a Contingency Transfer from the Environmental Services – Residential Fund in the amount of \$9,466; and

e) a Contingency Transfer from the Environmental Services – Commercial Fund in the amount of \$9,465.

This item was approved with the Consent Calendar vote.

7. CONTRACT – consider approval of:

a) Cooperative Purchasing Agreement No. 2018-3002-0115 with Pierce Manufacturing Inc. utilizing Public Procurement Authority Contract No. #VH11574; and

b) the purchase of (1) Pierce Quantum Fire Pumper, one (1) Pierce Velocity 107' Ascendant, one (1) Pierce Enforcer Encore Rescue Air Light unit and to provide fire apparatus services, materials and/or equipment pursuant to Cooperative Purchasing Agreement No. 2018-3002-0115 with Pierce Manufacturing Inc. in an amount not to exceed \$2,492,311.26 ~~\$222,107.73~~ and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar vote.

8. CHANGE ORDER – consider approval of Change Order No. 2 to Contract No. 2016-7012-0253 with Morrison-Maierle, Inc. increasing the contract amount by \$11,379 for Elliot District Park Improvements, Project No. PR125, and authorize the Mayor to execute the required documents.

This item was approved with the Consent Calendar vote.

9. FEES – consider adoption of a Resolution establishing Application Fees and Annual Rates for Wireless Facilities in Town Right-of-way.

Item 9 was discussed with Public Hearing Item 19.

A MOTION was made by Councilmember Jared Taylor, seconded by Councilmember Jordan Ray, to approve Item 9. *Motion carried 5-1, with Councilmember Eddie Cook casting the dissenting vote. Resolution No. 3934 was adopted.*

10. SPECIAL EVENT LIQUOR LICENSE – consider approval of a Special Event Liquor License for Gilbert Chamber of Commerce on November 30, 2017 from 6:00 pm to 9:00 pm located at The Falls Event Center, 4635 East Baseline Road.

This item was approved with the Consent Calendar vote.

11. SPECIAL EVENT LIQUOR LICENSE – consider approval of a Special Event Liquor License for East Valley Firefighter Charities for December 1-3, 2017 from 10 am to 5 pm daily located at 50 East Civic Center Drive.

This item was approved with the Consent Calendar vote.

12. PERMANENT EXTENSION OF PREMISES – consider approval of a Permanent Extension of Premises for The Farmhouse Restaurant located at 228 North Gilbert Road.

This item was approved with the Consent Calendar vote.

13. MINUTES – consider approval of the minutes of Special Meeting on October 16, 2017.

This item was approved with the Consent Calendar vote.

PUBLIC HEARING

Mayor Jenn Daniels opened the public hearing for items 14, 15, 16, 17 and 18.

Jonathan Lane, not a Gilbert resident, was present and in support of Public Hearing Items 14, 16, and 17 but did not speak.

Mayor Jenn Daniels closed the public hearing.

A MOTION was made by Councilmember Brigette Peterson, seconded by Councilmember Jordan Ray, to approve public hearing items 14, 15, 16, 17 and 18. *Motion carried 6-0.*

14. LIQUOR LICENSE – conduct hearing and consider approval of a Series 3 In-State Microbrewery Liquor License for OHSO Brewery located at 335 North Gilbert Road.

This item was approved with the Public Hearing Vote.

15. LIQUOR LICENSE – conduct hearing and consider approval of a Series 10 Beer and Wine Store Liquor License for Fast Market 8130 located at 8424 South Power Road.

This item was approved with the Public Hearing Vote.

16. LIQUOR LICENSE – conduct hearing and consider approval of a Series 12 Restaurant Liquor License with Growler privileges for OHSO Brewery located at 335 North Gilbert Road.

This item was approved with the Public Hearing Vote.

17. LIQUOR LICENSE – conduct hearing and consider approval of a Series 16D Craft Distillery Festival/Fair Liquor License for OHSO Brewery for the Gilbert Farmer's Market located at 222 North Ash Street from 7 am to 1 pm on the following dates: January 6, 2018; January 20, 2018; February 3, 2018; February 17, 2018; March 3, 2018; March 17, 2018; March 31, 2018; April 14, 2018; April 28, 2018; May 12, 2018; May 26, 2018; June 9, 2018; and June 23, 2018. OHSO Brewery provides samples at the Farmer's Market, but liquor sold is to-go only.

This item was approved with the Public Hearing Vote.

18. BONDS – conduct hearing and consider adoption of a Resolution authorizing the reimbursement of Capital Expenditures related to the construction of Fire Station #9, Project No. MF023.

This item was approved with the Public Hearing Vote. *Resolution No. 3935 was adopted.*

19. CODE OF GILBERT - conduct hearing and consider adoption of an Ordinance amending the Code of Gilbert, Arizona, by amending Chapter 10 Building and Construction Regulations, Article 1 in General, Section 10-5 Construction within Public Rights-of-way and Utility Easements, Location and Relocation of Facilities in Public Rights-of-way and Utility Easements, Article II Technical Codes, Section 10-41, and Article X Encroachment Permits for Public Rights-of-way, Sections 10-325 Definitions; and by amending Chapter 19 Telecommunications Service, Section 19-1 Purpose and Findings related to approving the terms and conditions for wireless facilities on, below or above the Town rights-of-way; authoring and approving the form of site licenses between the Town of Gilbert and a provider as may be amended by the Town Attorney for the use of Town right-of-way property to operate wireless facilities; and authorizing the Director of Development Services to execute such site licenses.

Mayor Jenn Daniels opened the public hearing on Item 19.

Development Services Director Kyle Mieras summarized Item 9 and Item 19. At the request of Councilmember Scott Anderson, Mr. Mieras confirmed that the Town does have some latitude in the aesthetics of the small cell wireless, noting the Town wrote the standards and guidelines.

Councilmember Eddie Cook stated he would vote against Items 9 and 19 as a matter of principle, stating he did not support that type of legislation.

Councilmember Jordan Ray stated that he agreed it was poor legislation, but he would be voting in support of the items only to be in compliance with State Law.

Councilmember Jared Taylor stated he appreciated staff taking a compliance posture without too many restrictions, stating a pro-innovation policy is more beneficial to residents.

Mayor Jenn Daniels stated though she had initial concerns regarding the language of the bill, she believed it to be a tremendous opportunity for the State of Arizona. She said Gilbert would be

the first community in Arizona, if not in the entire United States, to implement this type of agreement. She thanked Town staff, stating it was a great win from an economic standpoint.

Mayor Jenn Daniels closed the public hearing on item 19.

A MOTION was made by Councilmember Jordan Ray, seconded by Councilmember Brigitte Peterson, to approve item 19 with revisions to the ordinance for clarifying purposes using the phrase “Public utility easement of the town” consistently throughout Section 10-5 and with revision to Exhibit C relating to definitions that are governed by state law and timing-related matters as identified by the Town Attorney’s Office. *Motion carried 5-1, with Councilmember Eddie Cook casting the dissenting vote. Ordinance No. 2631 was adopted.*

ADMINISTRATIVE ITEMS

20. BOARDS AND COMMISSIONS – consider appointment of two alternate members to the Planning Commission with a term beginning November 15, 2017 and ending November 14, 2018.

This item was approved with the Consent Calendar vote. Seth Banda and Daniels Cifuentes were appointed to the Planning Commission as alternate members with terms ending November 14, 2018.

21. BOARDS AND COMMISSIONS – consider appointment of Director Kelly Pfof to the Self-Insured Trust Fund for Health Insurance Benefits, to complete the remainder of a term ending September 30, 2018; plus an additional three year term beginning October 1, 2018 and ending September 30, 2021.

This item was approved with the Consent Calendar vote. Kelly Pfof was appointed to the Town of Gilbert, AZ Self-Insured Trust Fund for Health Insurance Benefits with a term ending September 30, 2021.

22. BOARDS AND COMMISSIONS – consider activating an Arts Committee, setting the tasks for the Committee, and setting the number of Committee members and the means of selecting those members.

Councilmember Eddie Cook requested the activation of an Arts Committee to work on the design of forthcoming Ocotillo Road Bridge and possibly other projects at the South Regional Park.

There was discussion regarding how the members of the committee would be selected and a timeline. Mayor Jenn Daniels requested the standard Board and Commission procedures be followed for recruitment and appointment, adding that former Arts and Culture Board members and those on a task force list should be notified so that they may apply. It was also requested that the committee be assembled by mid-December so they may begin meeting in January 2018.

Town Manager Patrick Banger stated a consultant has been commissioned to design how the Ocotillo Road Bridge would interface with the South Regional Park in terms of functionality. He said the aesthetics of the bridge could be added to that scope, requiring the consultant to work with the Arts Committee and have a public outreach portion regarding aesthetics.

Councilmember Eddie Cook requested the Arts Committee work with the Parks and Recreation Board. Mayor Jenn Daniels asked Councilmember Eddie Cook to work with Town staff to coordinate this effort.

Councilmember Brigitte Peterson requested that applications be marked clearly if the applicant is an incumbent or has served on other boards or commissions.

A MOTION was made by Councilmember Eddie Cook, seconded by Councilmember Jordan Ray, to activate the Arts Committee with five members to be selected by Council from interested applicants. *Motion carried 6-0.*

23. PRESENTATION - Presentation and discussion about formation of a Council subcommittee to create a Code of Civility.

Councilmember Eddie Cook stated he would like to create a subcommittee of three members of the Council and Town staff to create a Code of Civility, to be followed by the Council, all Board and Commission members, as well as all Town employees. He asked for volunteers from the Council who will serve with him on the subcommittee.

The Subcommittee on the Code of Civility will consist of Councilmembers Scott Anderson, Eddie Cook, and Brigitte Peterson.

A MOTION was made by Councilmember Eddie Cook, seconded by Councilmember Brigitte Peterson, to form a Council subcommittee to create a Code of Civility. *Motion carried 6-0.*

24. COUNCIL ADMINISTRATION - consider acceptance of the Budget Report and Contingency Report for the 1st Quarter of FY2018.

A MOTION was made by Councilmember Brigitte Peterson, seconded by Councilmember Jordan Ray, to approve item 24. *Motion carried 6-0.*

25. BOARDS, COMMISSIONS, AND COMMITTEES - reports from Council Liaisons for the:

- a) Subcommittee on Board and Commission Application Screening, Interview, and Selection
- b) Other Council Subcommittees
- c) Regional Meetings
- d) Industrial Development Authority
- e) Mayor's Youth Advisory Committee
- f) Parks and Recreation Board
- g) Planning Commission
- h) Redevelopment Commission
- i) Town of Gilbert, AZ Public Facilities MPC

- j) Town of Gilbert, AZ Water Resources MPC
- k) Town of Gilbert, AZ Self-Insured Trust Fund for Health Benefits
- l) Utility Board

Councilmember Eddie Cook reported that the Town will host the inaugural meeting of the Gilbert Jeep/Off Road Club on November 15, 2017 as part of the Gilbert Wellness Program.

POLICY ITEMS

None.

FUTURE MEETINGS

Requested Agenda Items and Projected Meeting Dates:

TBD - Policy regarding staff acceptance of gifts. Contact ____ (J. Taylor, S. Anderson, B. Peterson)

TBD - Discuss the possibility of an RFP to look at different designs for the Ocotillo Bridge. Contact: ____ (E. Cook, V. Petersen, B. Peterson)

COMMUNICATIONS

Report from the TOWN MANAGER on current events.

Manager Patrick Banger reported that the Town hosted the Off the Street Festival over the past weekend. He stated the two-day event had 10,000 attendees, 56 vendors, and 15 sponsors. He thanked the Parks and Recreation staff and Gilbert Police Department for their efforts.

Report from the COUNCIL on current events.

Councilmember Brigitte Peterson stated she and Mayor Jenn Daniels attended the iRun4good Event over the weekend. She thanked the Parks and Recreation staff and all those involved with the event.

Report from the MAYOR on current events.

Mayor Jenn Daniels announced that the Town of Gilbert and the Operational Welcome Home Committee had recently hosted an event to honor the Veterans of the Korean War. She announced upcoming events including the Groundbreaking of Fire Station No. 9 and the Concert and Water Tower Lighting on November 30, 2017.

ADJOURN

Mayor Jenn Daniels adjourned meeting at 7:40 p.m.

ATTEST:

Jenn Daniels, Mayor

Lisa Maxwell, CMC, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the special meeting of the Town Council of the Town of Gilbert held on the 2nd day of November, 2017. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____.

Lisa Maxwell, CMC, Town Clerk

DRAFT